

COMMISSIONERS
GARY PIERCE - Chairman
BOB STUMP
SANDRA D. KENNEDY
PAUL NEWMAN
BRENDA BURNS



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ARIZONA CORPORATION COMMISSION
DOCKET CONTROL

ORIGINAL

DATE: APRIL 4, 2011
DOCKET NO.: W-02500A-05-0443

TO ALL PARTIES:

Enclosed please find the recommendation of Administrative Law Judge Jane L. Rodda. The recommendation has been filed in the form of an Order on:

GOODMAN WATER COMPANY
(CANCEL DECISION NO. 68444)

Pursuant to A.A.C. R14-3-110(B), you may file exceptions to the recommendation of the Administrative Law Judge by filing an original and thirteen (13) copies of the exceptions with the Commission's Docket Control at the address listed below by 4:00 p.m. on or before:

APRIL 13, 2011

The enclosed is NOT an order of the Commission, but a recommendation of the Administrative Law Judge to the Commissioners. Consideration of this matter has tentatively been scheduled for the Commission's Open Meeting to be held on:

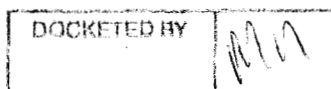
APRIL 27, 2011 and APRIL 28, 2011

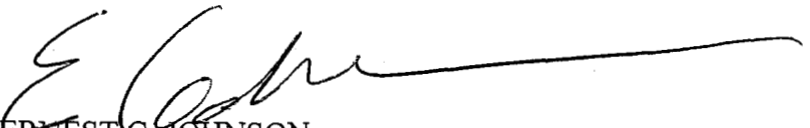
For more information, you may contact Docket Control at (602) 542-3477 or the Hearing Division at (602) 542-4250. For information about the Open Meeting, contact the Executive Director's Office at (602) 542-3931.

Arizona Corporation Commission

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APR - 4 2011




ERNEST G. JOHNSON
EXECUTIVE DIRECTOR

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This document is available in alternative formats by contacting Shaylin Bernal, ADA Coordinator, voice phone number 602-542-3931, E-mail SABernal@azcc.gov

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 **COMMISSIONERS**

3 GARY PIERCE - Chairman
4 BOB STUMP
5 SANDRA D. KENNEDY
6 PAUL NEWMAN
7 BRENDA BURNS

8 IN THE MATTER OF THE APPLICATION OF
9 GOODMAN WATER COMPANY FOR AN
10 EXTENSION OF ITS CERTIFICATE OF
11 COVENIENCE AND NECESSITY.

DOCKET NO. W-02500A-05-0443

DECISION NO. _____

12 **ORDER**

13 Open Meeting
14 April 27 and 28, 2011
15 Phoenix, Arizona

16 **BY THE COMMISSION:**

17 * * * * *

18 Having considered the entire record herein and being fully advised in the premises, the
19 Arizona Corporation Commission ("Commission") finds, concludes, and orders that:

20 **FINDINGS OF FACT**

21 1. On February 2, 2006, the Commission issued Decision No. 68444 which granted an
22 extension of the Certificate of Convenience and Necessity ("CC&N" or Certificate") of Goodman
23 Water Company ("Goodman" or "Company"). Decision No. 68444 required Goodman to file: 1) a
24 copy of the main extension agreement(s) ("MXA") for the extension area within 365 days from the
25 effective date of the Order; and 2) a copy of the developer's Certificate of Assured Water Supply
26 ("CAWS") for the extension area within 365 days of the effective date of the Order.

27 2. On January 30, 2007, Goodman requested an extension of time until February 2, 2008,
28 to file the MXA and CAWS because the developer's subdivision plat could not be finalized until the
issue of wastewater was resolved. The Commission's Utilities Division ("Staff") did not oppose the
extension, and the extension request was granted by Procedural Order dated May 9, 2007.

3. On December 28, 2007, Goodman filed a second request for extension of time to

1 comply with the MXA and CAWS filing requirements because of the delay in obtaining Pima
2 County's agreement to allow treatment of the wastewater. Staff did not oppose the request, but
3 believed that any extension should be limited to one year, or February 2, 2009, and that no other
4 extensions be granted. The extension request was granted until February 2, 2009, by Procedural
5 Order dated April 21, 2008.

6 4. On April 2, 2010, Goodman filed a "Motion to Withdraw Application." The
7 Company reported that after several years of efforts to identify a wastewater utility and to rezone the
8 property, the landowner in the extension area faced a collapse of the real estate market and was
9 unable to obtain the CAWS or MXA. Goodman expects that when the landowner is able to
10 accomplish re-zoning and the CAWS that are pre-requisites to development, the Company will file
11 another application for a CC&N.

12 5. On April 14, 2010, Staff filed a Memorandum in which Staff recommended that the
13 Commission deem the Company's extension of its CC&N null and void and that Docket No. W-
14 02500A-05-0433 be closed because the Company is out of compliance with Decision No. 68444.

15 6. The Company did not respond to Staff's Memorandum.

16 7. Decision No. 68444 provides that if Goodman fails to meet the conditions to file
17 copies or the MXA(s) and CAWS within the specified time, authority for the extension of the CC&N
18 would be null and void.

19 8. Goodman has not filed an MXA and/or a CAWS for the extension area and anticipates
20 refilling a CC&N application when development of the area is able to proceed.

21 9. Consequently, Staff's recommendation to deem the extension of the CC&N null and
22 void and to close the docket is reasonable, and should be approved.

23 CONCLUSIONS OF LAW

24 1. Goodman is a public service corporation within the meaning of Article XV of the
25 Arizona Constitution and A.R.S. § 40-281 and 40-282.

26 2. The Commission has jurisdiction over Goodman and the subject of the application.

27 3. Notice of the proceeding was provided in accordance with law.

28 4. There is currently no need and necessity for water service in the proposed extension

area, and Goodman has not met the conditions established in Decision No. 68444 within the specified times, and thus, by the terms of Decision No. 68444 as well as Goodman's own request, the CC&N conditionally granted in Decision No. 68444 is null and void.

5. Staff's recommendations set forth in Findings of Fact No. 5 are reasonable and should be adopted.

ORDER

IT IS THEREFORE ORDERED that pursuant to Decision No. 68444, the CC&N extension granted therein is null and void and the docket should be administratively closed.

IT IS FURTHER ORDERED that this Decision shall become effective immediately.

BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

CHAIRMAN

COMMISSIONER

COMMISSIONER

COMMISSIONER

COMMISSIONER

IN WITNESS WHEREOF, I, ERNEST G. JOHNSON, Executive Director of the Arizona Corporation Commission, have hereunto set my hand and caused the official seal of the Commission to be affixed at the Capitol, in the City of Phoenix, this _____ day of _____, 2011.

ERNEST G. JOHNSON
EXECUTIVE DIRECTOR

DISSENT _____

DISSENT _____

1 SERVICE LIST FOR: GOODMAN WATER COMPANY

2 DOCKET NO.: W-02500A-05-0443

3

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